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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Francis T. GILES et al.

Serial No.: 10/729,387

Group Art Unit: 1614

Filed: December 8, 2003

Examiner: Unassigned

For: PHARMACEUTICAL COMBINATIONS AND METHODS FOR THE TREATMENT OF LEUKEMIA

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☒ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 - ☐ a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
 - ☐ a final action under 37 C.F.R. § 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 - ☐ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was a first cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed were cited in an international search report dated _____.

- ☒ Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

- ☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family

- ☐ Translation of other relevant information on foreign search report

- ☒ Other Information


The instant application is related to US patent applications Serial Nos. 09/976,249, 10/104,067, 10/107,795, 10/824,563, and 10/853,241. The Published Applications corresponding to 09/976,249, 10/104,067, 10/107,795, and 10/824,563 are listed on the attached PTO-1449. Serial No. 10/853,241 is a divisional of 10/104,067.

Payment of Fees Due (If Any):

- ☐ A check for \$_____ covering the fee identified above is attached.
- ☐ Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



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Attorney Docket No. STORMIX-7

Date: October 27, 2004

BPH/rrt

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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	2
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Complete if Known

Application Number	10/729,387
Filing Date	December 3, 2003
First Named Inventor	Francis T. GILES
Group Art Unit	1614
Examiner Name	Unassigned
Attorney Docket Number	STROMIX-007

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,041,449		Belleau et al	08/20/1991	
		5,817,667		Chu et al	10/06/1998	
		5,270,315		Belleau et al	12/14/1993	
		6,350,753		Belleau et al.	2/26/2002	
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		6,747,036		Gordeau et al.	6/8/2004	
		2003/0013660		Attardo et al.	1/16/2003	
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		2003/0027799		Jolivet	2/6/2003	
		2004/0192654		Gourdeau et al.	9/30/2004	

FOREIGN PATENT DOCUMENTS

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Examiner
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark if the English language Translation is attached.

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		Application Number	10/729,387
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Filing Date	December 3, 2003
		First Named Inventor	Francis T. GILES
		Group Art Unit	1614
		Examiner Name	Unassigned
		Attorney Docket Number	STROMIX-0007
Sheet	2	of	2

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		"FDA Approves Gleevec for Leukemia Treatment" FDA Consumer, US Dept. of Health, Educ. And Welfare, Public Health Services, US, vol. 4, July 2001, pg. 6, XP001145627	
		Giles F. et al. "Phase II Study of Troxatyl in Patients with Chronic Myeloid Leukemia in Blastic Phase (CML-BP)" Blood, W.B. Saunders Company, Orlando, FL, US, vol. 98, no. 11, part 2, (2001), pg. 258B, XP009007253	
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Examiner Signature		Date Considered	
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